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October 22, 2008

**Via ECF Filing**

Hon. Joseph F. Bianco  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, New York 11201

**Re: Star Mark Management, Inc. and Great Mark Corp.  
v. Koon Chun Hing Kee Soy & Sauce Factory, Ltd.  
CV 07: 3208 (JFB)(SMG)**

Dear Judge Bianco,

We represent defendant Koon Chun Hing Kee Soy & Sauce Factory, Ltd. ("Koon Chun") in this matter. Pursuant to the Court's Motion Practice Rule III A, we are writing to request a pre-motion conference in anticipation of filing a motion to dismiss the referenced action pursuant to Fed. R. Civ. P. 12(c) or, in the alternative, if the Court deems appropriate, Koon Chun requests the Court's permission to immediately file the motion to dismiss without the need to hold the pre-motion conference.

Koon Chun respectfully submits that the Complaint filed by Star Mark Management, Inc., Great Mark Corporation and Jimmy Zhan (hereinafter, "Star Mark") is frivolous and should be dismissed for a number of reasons, essentially as set forth in Koon Chun's Motion for Sanctions Against Plaintiffs Pursuant to Fed. R. Civ. P. 11 (c) which has been filed concurrently with this letter. Although the arguments for the motion to dismiss that Koon Chun wishes to file are similar to the sanctions motion just filed, the two motions cannot be combined into one motion because Rule 11 (c)(2) mandates the filing of a separate motion.

Koon Chun is available for the pre-motion conference for its motion to dismiss at the Court's earliest convenience. However, since Koon Chun has, in accordance with Fed. R. Civ. P. 11, already asked Star Mark's counsel to withdraw the Complaint and Plaintiff's counsel has refused, there has been for all intents and purposes a meet-and-confer on the issue, and it is respectfully submitted that a pre-motion conference is not necessary.

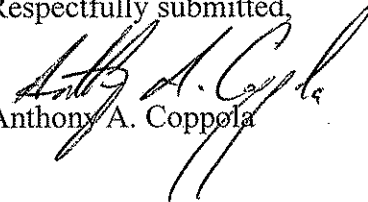
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Hence, Koon Chun respectfully requests that (i) the Court waive the pre-motion conference requirement for the motion to dismiss so that Koon Chun may immediately file the motion to dismiss; (ii) permit Star Mark to respond to both the motion for sanctions and the motion to dismiss concurrently if they desire; and (iii) the Court set a briefing schedule, hear argument on and rule on the two motions concurrently.

Koon Chun awaits the Court's instruction on the foregoing request for waiver and/or the scheduling of the pre-motion conference.

Respectfully submitted,



Anthony A. Coppola

AAC/tc

cc: Bing Li, Esq. (Via ECF)  
Koon Chun Hing Kee Soy & Sauce Factory, Ltd.